

Monday, May 8, 2006, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - March 13 and 28, 2006.

PUBLIC HEARING - 7:30 p.m. - Establishment of Lake Superior View TIF District and adoption of TIF plan.

The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 06-0508-01 Elizabeth Maeshima, et al. (two signatures), petition to vacate 12th Avenue East from the north line of East Sixth Street Alley to the south line of East Seventh Street Alley, Portland Division of Duluth. -- Assessor
- * 06-0508-02 Philip Myzel, et al. (16 signatures), petition to reclassify from R-1 to C-1 the property described as Lots 13 and 14, Block 3, Woodland Park Second Division. -- Assessor
- * 06-0508-03 Minnesota state auditor audit report for Duluth Entertainment Convention Center authority (Duluth state convention center administrative board) for the years ended December 31, 2005 and 2004. -- Received (PREVIOUSLY DISTRIBUTED)

REPORTS FROM THE ADMINISTRATION

- Retiree healthcare benefits

REPORTS FROM OTHER OFFICERS

- * 06-0508-04 Assessor:
 - (a) Affidavit of mailing of notice of special assessment board public hearing to be held on May 9, 2006, at 3:30 p.m. in Room 106A, City Hall, regarding the proposed construction of a permanent street with water, sewer and gas utilities on Spear Avenue from Silcox Avenue to Livingston Avenue (estimated assessable portion - \$430,000). -- Clerk
 - (b) Letter of sufficiency of petition to vacate that part of the streets as platted in Auditor's Plat No. 24 which lie adjacent to Lots 2-8 and which lie within the SE1/4 of the NW1/4 of Section 29, Township 50 North, Range 14 West of the Fourth Principal meridian lying northerly of the northerly right-of-way line of Trinity Road. -- Received
- * 06-0508-05 Property manager lease agreement, pursuant to Duluth City Code Section 2-31, with Kathy Elden for operation of the City Hall coffee shop. -- Mayor for execution

REPORTS OF BOARDS AND COMMISSIONS

- * 06-0508-06 Board of zoning appeals minutes of: (a) January 24; (b) March 28, 2006, meetings. -- Received
- * 06-0508-07 Duluth airport authority minutes of March 21, 2006, meeting. -- Received
- * 06-0508-08 Housing and redevelopment authority of Duluth minutes of November 29, 2005, meeting. -- Received
- * 06-0508-09 Library board minutes of March 28, 2006, meeting. -- Received
- * 06-0508-10 Parking commission minutes of March 28, 2006, meeting. -- Received
- * 06-0508-11 Tree commission recommendation regarding acquisition and use of tax forfeited lands currently held by St. Louis County. -- Received
- * 06-0508-12 Spirit Mountain recreation area authority board minutes of: (a) March 23; (b) March 30, 2006, meetings. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan
- Planned unit development

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTION FOR RECONSIDERATION

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

NEW 06-0307R - RESOLUTION SUPPORTING DULUTH'S MEMBERSHIP IN THE COALITION OF GREATER MINNESOTA CITIES.

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RESOLUTIONS TABLED

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0233R - RESOLUTION AWARDDING A THREE YEAR CONTRACT TO CARLSON MEDIA, INC., FOR DEVELOPMENT AND PROMOTION OF PUBLIC AWARENESS ABOUT PRODUCT SAFETY AND UTILITY SERVICES NOT TO EXCEED \$84,900 IN 2006, \$85,000 FOR 2007 AND \$85,000 FOR 2008. (TABLED 4/10)

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0265R - RESOLUTION ESTABLISHING PARKING METER ZONES ON SECOND STREET AND RATES AND TIME LIMITS THEREFORE. (TABLED 4/24)

COMMITTEE 3

BY COUNCILOR LITTLE

(PUBLIC SAFETY)

06-0266R - RESOLUTION TO ESTABLISH NO PARKING 2:00 A.M. TO 6:00 A.M. ON NORTH SIDE OF SECOND STREET FROM FOURTH AVENUE WEST TO FOURTH AVENUE EAST. (TABLED 4/24)

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0301R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICERS TO EXECUTE AN AMENDMENT TO AGREEMENT NO. 19897 WITH THE MINNESOTA CONSERVATION CORPS FOR THE BRUSHING AND CLEARING OF OVERLOOKS ALONG SKYLINE PARKWAY. (TABLED 4/24)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR KRAUSE

(PURCHASING & LICENSING)

06-0306R - RESOLUTION AWARDDING CONTRACT TO TWIN CITIES MACK AND VOLVO TRUCK FOR TWO MACK TRUCK CAB AND CHASSIS IN THE AMOUNT OF \$208,509; SUPERCEDING RESOLUTION 06-0177.

06-0311R - RESOLUTION APPROVING THE ISSUANCE OF A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE TO GRANDMA'S MARATHON - DULUTH, INC., CANAL PARK DRIVE AND BUCHANAN STREET.

06-0312R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE LICENSED PREMISES OF GRANDMA'S, INC. (GRANDMA'S SALOON AND DELI), 522 LAKE AVENUE SOUTH.

06-0313R - RESOLUTION AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN CANAL PARK ON JUNE 17, 2006, IN CONJUNCTION WITH GRANDMA'S MARATHON AND SUBJECT TO CERTAIN CONDITIONS.

06-0325R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE FROM TEMPLECORP, INC. (NORSHOR THEATRE), 211 EAST SUPERIOR STREET, TO BLACK RIVER MILLS, INC. (NORSHOR THEATRE), SAME ADDRESS.

06-0331R - RESOLUTION AWARDDING CONTRACT TO ST. LOUIS COUNTY DEPARTMENT OF COMMUNICATIONS FOR COMPUTER AIDED DISPATCH SYSTEM ACCESS IN THE AMOUNT OF \$19,080.

06-0332R - RESOLUTION AWARDDING CONTRACT TO SWANSON & YOUNGDALE, INC., FOR THE EXTERIOR PAINTING OF SUPERIOR STREET SKYWALKS IN THE AMOUNT OF \$76,595.

COMMITTEE 1

BY COUNCILOR JOHNSON (PERSONNEL)

06-0345R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF MARIA KRYNICKI AND SAMUEL RESENDEZ AND THE APPOINTMENTS OF MYRNA RAISANEN REPLACING JOHN STAINÉ AND KRISTINA DEFOE REPLACING KAMAL GINDY, TO THE DULUTH HUMAN RIGHTS COMMISSION.

06-0346R - RESOLUTION CONFIRMING THE REAPPOINTMENTS OF ROBERT POWLESS AND EVELYN TANNER TO THE AMERICAN INDIAN COMMISSION.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0319R - RESOLUTION AUTHORIZING APPLICATION FOR A DEED CONTAMINATION CLEAN-UP GRANT IN THE AMOUNT OF \$1,930,391 RELATED TO THE CLYDE PARK PROJECT AND COMMITTING LOCAL MATCH SUBJECT TO SUBSEQUENT COUNCIL ACCEPTANCE OF THE GRANT.

06-0336R - RESOLUTION VACATING THE NORTH-SOUTH ALLEY LOCATED 125 FEET WEST OF 100TH AVENUE WEST (HILL, MCFADDEN, SACKETTE).

06-0337R - RESOLUTION GRANTING A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT TO TED STOCKE OF TRINITY DEVELOPMENT GROUP, LLC, FOR TWO UNIT BUILDINGS IN COFFEE CREEK DIVISION ON 19 ACRES, LOCATED BETWEEN TRINITY ROAD AND QUINCE STREET APPROXIMATELY 300 FEET EAST OF ANDERSON ROAD.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0324R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT A GRANT FROM THE MINNESOTA SECRETARY OF STATE FOR ASSISTIVE VOTING EQUIPMENT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0308R - RESOLUTION AWARDING CONTRACT TO MIDWEST REGION GAS TASK FORCE ASSOCIATION FOR MEMBERSHIP FOR YEAR 2006 IN THE AMOUNT OF \$13,766.72.

06-0309R - RESOLUTION ADOPTING THE SANITARY SEWER OVERFLOW STORAGE FACILITY PLAN FOR THE LAKESIDE AREA.

06-0314R - RESOLUTION AWARDING CONTRACT TO NELS NELSON & SONS, INC., FOR CONSTRUCTION OF CENTRAL AVENUE ALLEY FROM RAMSEY TO BRISTOL STREETS IN THE AMOUNT OF \$76,943.58.

06-0315R - RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO CONTRACT NO. 19704 WITH MINNESOTA DEPARTMENT OF NATURAL RESOURCES COASTAL PROGRAM EXTENDING THE TERM OF THE GRANT.

06-0320R - RESOLUTION AWARDING A CONTRACT TO AMERICAN PAVEMENT SOLUTIONS FOR 2006 CRACK SEAL OF EAST SUPERIOR STREET AT VARIOUS LOCATIONS IN THE AMOUNT OF \$48,024.

06-0333R - RESOLUTION AWARDING A CONTRACT TO REUBEN JOHNSON & SON, INC. FOR THE DULUTH HEIGHTS I 2006 STREET IMPROVEMENT PROJECT SITE IN THE AMOUNT OF \$1,087,200.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0334R - RESOLUTION AWARDING A CONTRACT TO NELS NELSON & SONS, INC. FOR CONSTRUCTION OF A WATERMAIN IN LAWN STREET FROM PORTAL AVENUE TO APPROXIMATELY 383 FEET EAST OF CENTERLINE OF PORTAL AVENUE IN THE AMOUNT OF \$47,858.15.

06-0335R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF A UTILITY EASEMENT ACROSS TAX FORFEITED LAND FOR PURPOSES OF CONSTRUCTION OF A SIX INCH PE HIGH PRESSURE GAS MAIN ON THE SOUTH SIDE OF EAST SUPERIOR STREET BETWEEN 63RD AVENUE EAST AND 65TH AVENUE EAST.

06-0341R - RESOLUTION AUTHORIZING AN AGREEMENT WITH LEXINGTON INSURANCE COMPANY FOR EXPENSE SHARING IN PURSUIT OF CLAIMS ARISING FROM THE DESTRUCTION OF PETERSON ARENA.

06-0347R - RESOLUTION AWARDING A CONTRACT TO LHB, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN SERVICES FOR THE EMERGENCY REPAIR OF THE WEST FOURTH STREET STORM CULVERT BETWEEN TENTH AVENUE WEST AND 11TH AVENUE WEST IN THE AMOUNT OF \$15,974.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0344R - RESOLUTION AUTHORIZING AGREEMENT WITH SEAWAY PORT AUTHORITY OF DULUTH FOR TEMPORARY USE OF AIRPARK PROPERTY FOR POLICE CANINE TRIALS.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0316R - RESOLUTION AUTHORIZING THE CITY TO BE A SPONSOR OF THE 2006 NORTHSORE INLINE MARATHON AT A COST TO THE CITY OF \$15,000.

06-0318R - RESOLUTION AUTHORIZING AN AGREEMENT WITH FRIENDS OF TENNIS, INC. PROVIDING FOR THE SHARED USE OF THE LONGVIEW TENNIS COURTS.

06-0340R - RESOLUTION ACCEPTING GIFT TO THE LIBRARY AND EXPRESSING GRATITUDE TO DULUTH LIBRARY FOUNDATION.

06-0342R - RESOLUTION ACCEPTING LIMITED USE PERMIT FROM MINNESOTA DEPARTMENT OF TRANSPORTATION FOR VARIOUS LOCATIONS FOR USE BY SUPERIOR HIKING TRAIL.

06-0343R - RESOLUTION AUTHORIZING FIRST AMENDMENT TO AGREEMENT NO. 19606 WITH SUPERIOR HIKING TRAIL ASSOCIATION ADDING PROPERTY.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0322R - RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE LAKE SUPERIOR VIEW TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0338R - RESOLUTION DENYING THE VACATION OF VICTORIA PLACE (AKA 28TH AVENUE EAST) BETWEEN EAST EIGHTH STREET AND ELIZABETH STREET, LOCATED BETWEEN 2727 AND 2801 EAST EIGHTH STREET (JOHNSON, REICHHOFF, SJOGREN).

06-0339R - RESOLUTION VACATING VICTORIA PLACE (AKA 28TH AVENUE EAST) BETWEEN EAST EIGHTH STREET AND ELIZABETH STREET, LOCATED BETWEEN 2727 AND 2801 EAST EIGHTH STREET (JOHNSON, REICHHOFF, SJOGREN).

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

06-0323R - RESOLUTION REQUESTING THE CITY PURCHASING DEPARTMENT SEEK A QUALIFIED LEGAL FIRM THAT DOES NOT HAVE A CONFLICT OF INTEREST WITH THE CITY'S ACTIVITIES TO INVESTIGATE AND, IF APPROPRIATE, PROSECUTE FOR THE POSSIBLE VIOLATION OF MINNESOTA STATUTES SECTION 3.979, SUBD. 4, ALLEGED TO HAVE OCCURRED BY CITY OF DULUTH.

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0348R - RESOLUTION APPROVING AGREEMENT WITH ARROWHEAD BOWHUNTER'S ALLIANCE FOR MANAGEMENT OF THE ANNUAL DEER CONTROL HUNT.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILORS STEWART, STAUBER AND KRAUSE

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.
(REPLACEMENT 2) (RECONSIDERED, AMENDED & TABLED 4/24/06)

The following entitled ordinance is to be read for the second time:

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-013-O - AN ORDINANCE GRANTING A FRANCHISE TO CC VIII OPERATING, LLC, D/B/A CHARTER COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF DULUTH SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND PUBLIC RIGHTS-OF-WAY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISION HEREIN.

(REPLACEMENT)

COUNCILOR QUESTIONS AND COMMENTS
